

Inner City Press

May 1, 2024

By ECF and/or E-mail to Chambers

Hon. Jesse M. Furman, United States District Judge
Southern District of New York, 40 Foley Square, New York, NY 10007

Re: Opposition to Application for Stay Pending Appeal of Order Unsealing CIPA
Transcripts in US v. Schulte, 17-cr-548 (JMF)

Dear Judge Furman:

Inner City Press closely covered defendant Schulte's above-captioned criminal trial before this Court. In last 2022, as provided in Docket 974, Inner City Press formally sought the unsealing, at least in redacted form, of the CIPA transcripts. (The Classified Information Procedures Act, 18 U.S.C.A. App. §§ 1-16).

The Court granted the unsealing. But late today, the Government wrote in seeking a stay of unsealing, while it confers with the Office of the Solicitor General about appealing. The Government claims a stay is consistent with the public interest and our interests. We hereby disagree.

First, unsealing has already been too long delayed - our request was in 2022. News loses value through time, as many cases have acknowledged. The US Attorney's Office does not explain why it did not decide on appealing, or appeal, during the time provided, nor why it must confer with the Office of the Solicitor General to decide, nor why that Office was not immediately contacted.

A stay pending appeal is “an exercise of judicial discretion,” not a “matter of right.” *Nken v. Holder*, 556 U.S. 418, 433 (2009) (quoting *Virginia Ry. Co.*, 272 U.S. 658, 672 (1926)). Here, a stay would substantially injure the media and public interested in the proceeding; the public interest weighs heavily against a stay. See *In re Special Proceedings*, 2012 WL 859578, at *1 (citing *Nken v. Holder*, *supra*)

Please confirm receipt & again docket this filing. Thank you.
Respectfully submitted,

/s/

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